



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Virginia Department of Transportation (Commonwealth Transportation Board)
VAC Chapter Number:	24 VAC 30-50-10 et seq.
Regulation Title:	Rules and Regulations for the Administration of Waysides and Rest Areas
Action Title:	Review and Retain
Date:	June 26, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation establishes overall policies, procedures, and conditions under which waysides and rest areas under the control of the Commonwealth Transportation Board may be used.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or

discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

Under § 33.1-12(3), the Commonwealth Transportation Board (CTB) has authority “to make rules and regulations, from time to time, not in conflict with the laws of this Commonwealth, for the protection of and covering traffic on and the use of systems of state highways and to add to, amend or repeal the same.”

In addition, under § 33.1-218, the CTB “is authorized and empowered to establish rules and regulations for the use of recreational waysides including rules and regulations relating to (a) the time, place and manner of parking of vehicles, (b) activities which may be conducted within such waysides, (c) solicitation and selling within the waysides, (d) such other matters as may be necessary or expedient in the interest of the motoring public.”

The CTB has wide discretion under these statutes to establish whatever regulations it deems appropriate, since the statutes do not set any limitations on the types of subjects to be addressed.

The regulation does not exceed the minimum requirements of any state mandate.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

VDOT received no public comment during the Notice of Periodic Review period, so no response was prepared. No advisory group was formed to assist in the periodic review.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

VDOT seeks public comment regarding the following question: Does the regulation meet the following goals?

1. To protect the public's health, safety, and welfare with the least possible intrusiveness to the citizens and businesses of the Commonwealth.
2. Ensure maximum utility of facilities to users.

Goal 1: In addition to providing transportation-related services and programs, preserving the natural beauty of the Commonwealth is an important part of VDOT's mission. Motorists may choose to use a wayside or rest area for personal convenience, to relieve the stress or tedium of a journey, or to enjoy the aesthetics of the surroundings. VDOT considers the regulations to be vital in protecting public, health, safety, and welfare at the affected facilities.

Goal 2: Given the importance of tourism to the economic health of the Commonwealth, it is important that waysides and rest areas be physically attractive, accessible, and safe. These regulations help VDOT ensure that motorist, passenger, and vehicle safety are preserved, that the facilities are not damaged by abuse, that the Commonwealth's investment in these resources is preserved, and that the peacefulness and beauty of the surroundings is preserved for others to enjoy. Furthermore, the regulation permits decisions concerning appropriate and inappropriate use of these facilities to be handled fairly and consistently, regardless of location. Finally, the regulation makes special allowance for guide or service dogs to gain access to shelters and buildings; this provision ensures that disabled users can enjoy the same level of access as others do. As a result, the facilities are used to their fullest extent.

This regulation has no direct effect on the family or family stability. However, the regulation has an unquantifiable positive effect on the ability of families (and others) to enjoy the waysides and rest areas through prohibiting litter, damage to plants, animals, or facilities, as well as discouraging disturbances to the peacefulness and tranquility of the areas affected.

VDOT believes that regulation is clearly written and understandable. Times during which waysides may be open are specified. Limitations on parking are listed. Activities prohibited or allowed by permission of the Commonwealth Transportation Board or the Commonwealth Transportation Commissioner are explicitly identified. Penalties for violations are specified. The statute directs that the regulations shall be posted in the areas affected by the regulations. VDOT believes that the lack of public comment received concerning the regulation indicates general satisfaction with the format of the regulation and its clarity and ease of comprehension.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

State statute explicitly authorizes the CTB to make regulations at waysides, and includes possible topics that may be addressed. It is reasonable to assume that the General Assembly recognized the appropriateness of regulations to govern conduct at facilities of this sort. Without some set of written directives concerning their operation, users would not be aware of prohibited and permitted activities. Therefore, VDOT and the CTB believe that a regulation is the least burdensome alternative available for achieving the purpose of the regulation.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

VDOT recommends that this regulation be retained without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

This regulation has no direct effect on the family or family stability, nor does it affect any of the factors cited above. However, the regulation has an unquantifiable positive effect on the ability of families (and others) to enjoy the waysides and rest areas through prohibiting litter, damage to plants, animals, or facilities, as well as discouraging disturbances to the peacefulness and tranquility of the areas affected.